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Attorneys for Plaintiffs

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8  
9 CURTIS WILKERSON, individually; and LA ) CASE NO.: 2:19-cv-01326-APG-NJK  
TOYA WILLIAMS-WILKERSON, individually, )  
10 )  
Plaintiffs, ) **JOINT PRE-TRIAL ORDER**  
11 vs. )  
12 )  
13 MAIKA ABRIGO, individually, DOES I-X, and )  
ROE CORPORATIONS I-X, inclusive, )  
14 )  
Defendant. )  
15 )

16 After pretrial proceedings in this cause pursuant to Local Rule 16-3,

17 IT IS SO ORDERED:

18 **I.**

19 **STATEMENT OF THE FACTS/CONTENTIONS OF THE PARTIES**

20  
21 This case arises as a result of a motor vehicle collision. On July 20, 2018, Plaintiffs Curtis  
22 Wilkerson and La Toya Williams-Wilkerson alleges that while driving on Sunset road in  
23 Henderson, Nevada, they were in a motor vehicle accident with a vehicle operated by Defendant  
24 Maika Abrigo ("Subject Accident").

25  
26 As a result of the collision, Plaintiffs Curtis Wilkerson and La Toya Williams-Wilkerson  
27 allegedly sustained injuries and damages as indicated below.

28 ///

**Plaintiffs' Contentions:**

Plaintiffs contend that on July 20, 2018, Plaintiffs and Defendant were travelling westbound on Sunset Road near Gibson in Las Vegas, Nevada. Plaintiffs were in the number 1 travel lane and Defendant Abrigo in the number 2 travel lane. Defendant merged into Plaintiffs' lane causing the crash. Plaintiff La Toya Williams-Wilkerson was seriously injured in the accident. She ultimately underwent a C4-5 and C5-6 disc replacement surgery in July of 2020, and continues to treat for her injuries. Plaintiff Curtis Wilkerson sustained sprain/strain injuries. Plaintiffs contend that Defendant's negligence was the actual proximate cause of Plaintiffs' physical injuries. Finally, Plaintiffs contend that Plaintiffs have incurred pecuniary loss, medical expenses, and pain and suffering as a result of the accident, and that La Toya Williams-Wilkerson will continue to accrue pain and suffering, and future medical bills.

**Defendant's Contentions:**

Defendant contends this is a personal injury action arising from a motor vehicle accident that occurred on July 20, 2018. Defendant contends that Plaintiffs' vehicle merged into Defendant's lane and caused the crash. Defendant denies all claims made by Mr. and Mrs. Wilkerson and claims that the accident did not cause either of their respective injuries. As a result, Plaintiffs filed the instant lawsuit wherein they alleges causes of action for Negligence. Defendant seeks the following relief: that Mr. and Mrs. Wilkerson take nothing by way of their complaint.

**II.****STATEMENT OF JURISDICTION**

Plaintiffs Curtis Wilkerson and La Toya Williams-Wilkerson resided in Las Vegas, Nevada at the time of their collision; and, still resides in Las Vegas, Nevada today. Defendant Abrigo is a resident of Texas. This matter involves a claim for damages in excess of \$75,000. Jurisdiction is

1 therefore based upon diversity of citizenship under 28 U.S.C. § 1332. The parties admit that  
2 jurisdiction is proper and admit that venue is proper pursuant to 28 U.S.C. § 1391.

3  
4 **III.**

5 **LIST OF CLAIMS FOR RELIEF**

6 Plaintiffs provided the following causes of action in their Complaint:

7 1. Negligence

8 **IV.**

9 **LIST OF AFFIRMATIVE DEFENSES LISTED IN DEFENDANT'S ANSWER**

10 Defendants raise the following Affirmative Defenses:

11 **FIRST AFFIRMATIVE DEFENSE**

12 Plaintiff's Complaint on file herein fails to state a claim against Defendant upon which relief  
13 can be granted.

14 **SECOND AFFIRMATIVE DEFENSE**

15  
16 Defendant alleges that the occurrence referred to in Plaintiffs' Complaint, and all injuries  
17 and damages, if any, resulting therefrom, were caused by the acts or omissions of a third party over  
18 whom Defendant had no control.

19 **THIRD AFFIRMATIVE DEFENSE**

20  
21 Defendant alleges that the damages, if any suffered by Plaintiffs were caused in whole or in  
22 part or were contributed to by reason of the negligence of the Plaintiffs.

23 **FOURTH AFFIRMATIVE DEFENSE**

24  
25 Plaintiffs failed to mitigate their damages, if any.

26 **FIFTH AFFIRMATIVE DEFENSE**

27 Pursuant to NRCP 11, all possible affirmative defenses may not have been alleged herein  
28 insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's

1 Answer, and therefore, Defendant reserves the right to amend this Answer to allege additional  
2 affirmative defenses if additional investigation so warrants.

3 **V.**

4 **THE FOLLOWING FACTS ARE ADMITTED BY THE PARTIES AND**  
5 **REQUIRE NO PROOF**

- 6 1. Venue is proper in the United States District Court for the District of Nevada in Las  
7 Vegas, Nevada.  
8 2. This lawsuit arises out of a motor vehicle collision that occurred on or about July 20,  
2018, in Henderson, Nevada.

9 **VI.**

10 **THE FOLLOWING FACTS, ALTHOUGH NOT ADMITTED, WILL NOT BE**  
11 **CONTESTED AT TRIAL BY EVIDENCE TO THE CONTRARY**

12 None at this time.

13 **VII.**

14 **THE FOLLOWING ARE THE PARTIES' STATEMENT OF OTHER ISSUES OF FACT**  
15 **TO BE DETERMINED UPON TRIAL**

16 **A. Plaintiff:**

- 17 1. Whether Plaintiffs were injured as a result of negligence on behalf of Defendant Abrigo;  
18 2. Whether Plaintiffs' injuries are the direct and proximate result of Defendant Abrigo's  
19 negligence;  
20 3. Whether Plaintiff's La Toya Williams-Wilkerson's future medical treatment is a direct  
21 and proximate cause of the negligence on behalf of Defendant Abrigo;  
22 4. Whether Plaintiffs' past and future pain and suffering is related to their injuries as a  
23 result of negligence on behalf of Defendant Abrigo;  
24 5. Whether Plaintiff La Toya Williams-Wilkerson's loss of enjoyment of life is as a result  
25 of negligence on behalf of Defendant Abrigo;  
26  
27  
28

1 **B. Defendant:**

- 2
- 3 1. Whether Defendant Abrigo was negligent;
- 4 2. Whether Plaintiff will be found to have any comparative fault;
- 5 3. Whether the medical bills Plaintiffs allege to have suffered as a result of the July 20,
- 6 2018 accident are reasonable and customary.
- 7 4. Whether the medical treatment received by Plaintiffs are related to the subject
- 8 accident.
- 9 5. Whether the future medical treatment for La Toya Williams-Wilkerson is related to
- 10 the subject accident.
- 11 6. Whether the subhect accident caused any of the injuries suatained by Plaintiffs.

12 **VIII.**

13 **THE FOLLOWING ARE THE CONTESTED ISSUES OF LAW TO BE DETERMINED**

14 **UPON TRIAL**

15 **A. Plaintiff:**

- 16
- 17 1. Negligence
- 18 2. The issues of law raised by the parties' anticipated motions *in limine*

19 **B. Defendant:**

- 20 1. The issues of law raised by the parties' anticipated motions *in limine*;
- 21 2. Whether Defendant was negligent; and
- 22 3. Whether Plaintiff can prove the necessary elements for her two causes of action.

23 **IX.**

24 **EXHIBITS**

25 The following exhibits are stipulated by the parties to be admitted into evidence at trial

26 wihtout objection, and to be used at trial from the time of opening statement and forward:

27 Plaintiff's Exhibits 1-43, and 48-57; Defendants Exhibits 1-8. The admission of Plaintiffs' exhibits

28

1 into evidence in no way precludes Defendant from contesting the reasonableness and necessity of  
2 Plaintiffs' medical records and bills.

3 **(1) Plaintiffs' exhibits:**

4 MEDICAL AND/OR BILLING RECORDS – CURTIS WILKERSON

- 5 1. Summary of Charges for Curtis Wilkerson (EX1-001)
- 6 2. Department of Veterans Affairs records (EX2-001 – 019)
- 7 3. Align Med records (EX3-001 – 077)
- 8 4. Advanced Orthopedics and Sports Medicine records (EX4-001 – 009)
- 9 5. Select Physical Therapy records (EX5-001 – 073)
- 10 6. Billing from Department of Veterans Affairs (EX6-001)
- 11 7. Billing from Align Med (EX7-001 – 006)
- 12 8. Billing from Advanced Orthopedics and Sports Medicine (EX8-001 – 002)
- 13 9. Billing from Select Physical Therapy (EX9-001 – 002)

14 MEDICAL AND/OR BILLING RECORDS – LATOYA WILLIAMS

- 15 10. Summary of Charges for La Toya Wilkerson (EX10-001)
- 16 11. University Medical Center (EX11-001 – 012)
- 17 12. Align Med (EX12-001 – 090)
- 18 13. Interventional Pain and Spine Institute (EX13-001 – 040)
- 19 14. Surgical Arts Center (EX14-001 – 009)
- 20 15. Advanced Orthopedics & Sports Medicine (EX15-001 – 020)
- 21 16. Las Vegas Radiology (EX16-001 – 006)
- 22 17. Ten (10) Fluoroscopic images taken at Surgical Arts Center (EX17-001 – 011)
- 23 18. Las Vegas Neurosurgical Institute (EX18-001 -- 053)

19. Pueblo Medical Imaging (EX19-001 – 008)
20. First Physical Therapy (EX20-001 – 306)
21. Monitoring Associates (EX21-001 – 003)
22. Neuromonitoring Associates (EX22-001 – 028)
23. Valley Hospital Medical Center (EX23-001 – 466)
24. Billing from University Medical Center (EX24-001 – 002)
25. Billing from Align Med (EX25-001 – 009)
26. Billing from Interventional Pain and Spine Institute (EX26-001 – 002)
27. Walgreens Pharmacy (EX27-001 – 003)
28. Billing from Surgical Arts Center (EX28-001 – 004)
29. Billing from Advanced Orthopedics & Sports Medicine (EX29-001 – 003)
30. Billing from Las Vegas Radiology (EX30-001)
31. Billing from Las Vegas Neurosurgical Institute (EX31-001 – 002)
32. Billing from Pueblo Medical Imaging (EX32-001 – 007)
33. Billing from First Physical Therapy (EX33-001 – 005)
34. Billing from Monitoring Associates (EX34-001 – 002)
35. Billing from Neuromonitoring Associates (EX35-001 – 002)
36. Billing from Surgical Anesthesia Services (EX36-001 – 002)
37. Billing from Valley Hospital Medical Center (EX37-001 – 009)
- OTHER
38. Two (2) color photographs taken at the scene of the crash (EX38-001 – 002)
39. Color photos of Defendant's and Plaintiffs' car produced in their Early Case Conference documents (EX39-001 – 007)

- 1 40. Plaintiff's Answers to Defendant's First Set of Interrogatories to Plaintiff Curtis
- 2 Wilkerson (EX40-001 – 011)
- 3 41. Plaintiff's Supplemental Answers to Defendant's First Set of Interrogatories to
- 4 Plaintiff Curtis Wilkerson (EX41-001 – 016)
- 5 42. Plaintiff's Answeres to Defendant's First Set of Interrogatories to Plaintiff La Toya
- 6 Williams (EX42-001 – 013)
- 7 43. Plaintiff's Supplemental Answers to Defendant's First Set of Interrogatories to
- 8 Plaintiff La Toya Williams-Wilkerson (EX43-001 – 020)
- 9 44. Defendant's car repair estimate (EX44-001 – 010)
- 10 45. Plaintiff's car repair estimate supplement 1 and 2 (EX45-001 – 029)
- 11 46. Documents produced by City of Henderson Police Department responsive to
- 12 Subpoena Duces Tecum (EX46-001 – 012)
- 13 47. 911 audio produced by City of Henderson Police Department responsive to
- 14 Subpoena Duces Tecum
- 15 48. West Valley Imaging (EX48-001 – 004)
- 16 49. UMC Quick Care (EX49-001 – 067)
- 17 50. Las Vegas Neurosurgery Associates (EX50-001 – 004)
- 18 51. Las Vegas Neurology Center (EX51-001 – 025)
- 19 52. Sunset Clinic (EX52-001 – 054)
- 20 53. Valley Hospital (EX53-001 – 112)
- 21 54. CareNow Urgent Care (EX54-001 – 005)
- 22 55. Tim Soder Physical Therapy (EX55-001 -080)
- 23 56. Centennial Hills Hospital (EX56-001 – 1227)
- 24
- 25
- 26
- 27
- 28





4. UMC records (ABRIGO001463-1474, 1512-1526, 1545-1578)
5. Las Vegas Neurology Center treatment of Mrs. Williams-Wilkerson records (ABRIGO001579-1604)
6. West Valley Imaging records (WESTVALLEY000001-000005)
7. Las Vegas Neurology Associates, P.C. records (LVNA00001-000005)
8. Pueblo Medical Imaging records (ABRIGO001605)

Defendants may offer, at trial, certain Exhibits for demonstrative purposes including, but not limited to the following:

1. Demonstrative and charts relating to Plaintiff's damage claims;
2. Story board and computer digitized power point images;
3. Blow-ups/transparencies/digitized images of various records
4. Defendants reserve the right to offer into evidence any exhibit timely and properly

disclosed during discovery for the purpose of demonstration at trial. Additionally, Defendants reserve the right to offer into evidence any exhibit offered by any other parties to this action.

Defendants reserve the right to offer into evidence any exhibit timely and properly disclosed during discovery for the purpose of impeachment.

Defendants will submit electronic evidence to the jury for utilization in the jury room during their deliberations.

Defendants reserve the right to utilize and/or seek to publish and/or admit into evidence all deposition testimony, all affidavits filed or attached to any motion or pleading in this case, and all responses to discovery from any party in this case for purposes of impeachment.

Defendants reserve the right to offer into evidence any exhibit timely and properly disclosed during discovery for the purposes of rebuttal.

Defendants reserve the right to offer into evidence any exhibit offered by any other parties to this action.

1           **The following documents may be marked as exhibits, but shall not be admissible in**  
2 **evidence at this time:**

3           Plaintiffs' Exhibits 44-47.

4           **As to the following exhibits, the party against whom the same will be offered objects to**  
5 **their admission upon the grounds stated:**

6           The parties reserve the right to object to exhibits not otherwise admitted previously into  
7 evidence through this pretrial order, or otherwise stipulated to. The parties have agreed to reserve  
8 any such objections until the time of trial.

9           Further, with the exception of exhibits to be used solely for impeachment, the parties agree  
10 that each evening by 8:00 p.m. they will exchange the exhibits that they plan to use the following  
11 day so that any exhibit disputes/objections can be addressed by the Court each morning before trial  
12 resumes. In addition, the parties will identify each witness that they intend to call at trial not less  
13 than 48 hours prior to calling each witness to testify.

14           **(1) Objections as to Plaintiffs' exhibits:**

15           Defendant objects to Plaintiffs' exhibits 44-47 that the documents violates the collateral  
16 source rule, hearsay rule, or best evidence rule; lacks foundation, not calculated to lead to  
17 admissible evidence at trial.

18           **(2) Objections as to Defendant's exhibits:**

19           None

20           **Depositions:**

21           **Plaintiffs:** Plaintiffs intends to offer live testimony of designated witnesses at trial. In the  
22 event that Plaintiffs are unable to call a witness and must offer deposition testimony in lieu of live  
23  
24  
25  
26  
27  
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testimony, Plaintiffs reserves the right to supplement this Pre-Trial Order to designate deposition testimony to be used at trial.

**Defendant:** Defendant intends to offer live testimony of designated witnesses at trial. In the event that Defendants are unable to call a witness and must offer deposition testimony in lieu of live testimony, Defendant reserves the right to supplement this Pre-Trial Order to designate deposition testimony to be used at trial.

**Deposition Designations:** The parties agree to provide page and line designations of witnesses' depositions that will be played or read in at trial no later than 30 days prior to the trial date. Objections and counter-designations will be due 7 days following the initial designations.

**X.**

**WITNESSES**

The following witnesses may be called upon by the parties at trial:

**(a) Plaintiffs' witnesses:**

1. CURTIS WILKERSON (Will testify at trial)  
c/o Paul D. Powell, Esq.  
The Powell Law Firm  
8918 Spanish Ridge Avenue, Suite 100  
Las Vegas, Nevada 89148

CURTIS WILKERSON is the Plaintiff in this action and is expected to testify as to his knowledge of the facts and circumstances surrounding the crash that occurred on July 20, 2018, his injuries and treatment and other matters pertinent hereto.

2. LA TOYA WILLIAMS-WILKERSON (Will testify at trial)  
c/o Paul D. Powell, Esq.  
The Powell Law Firm  
8918 Spanish Ridge Avenue, Suite 100  
Las Vegas, Nevada 89148

LATOYA WILLIAMS-WILKERSON is the Plaintiff in this action and is expected to testify as to her knowledge of the facts and circumstances surrounding the crash that occurred on July 20,

1 2018, her injuries and treatment and other matters pertinent hereto.

2 3. MAIKA ABRIGO (Will testify at trial)  
3 c/o James P. C. Silvestri, Esq.  
4 Steven Goldstein, Esq.  
5 PYATT SILVESTRI  
6 701 Bridger Avenue, Suite 600  
7 Las Vegas, Nevada 89101

8 MAIKA ABRIGO is a Defendant in this action and is expected to testify as to his  
9 knowledge of the facts and circumstances surrounding the crash that occurred on July 20, 2018.

10 4. Officer Justin Chronister, ID #2169 (Will testify at trial)  
11 Person Most Knowledgeable and/or  
12 Custodian of Records  
13 c/o Henderson Police Department  
14 223 Lead Street  
15 Henderson, Nevada 89015

16 Officer Chronister, the Person Most Knowledgeable and/or the Custodian of Records of  
17 Henderson Police Department are expected to testify as to their knowledge of the facts and  
18 circumstances surrounding the crash that occurred on July 20, 2018, and any other matters pertinent  
19 hereto.

20 5. Kierra Harvey (Will testify at trial)  
21 1421 Groom Avenue  
22 North Las Vegas, Nevada 89081  
23 (234) 788-2044

24 Kierra Harvey is Plaintiff Curtis Wilkerson's niece and is expected to testify as to her  
25 knowledge of the facts and circumstnaces surrounding the crash that occurred on July 20, 2018,  
26 how the crash has affected Plaintiff's and any other matters pertinent hereto.

27 6. Charlton Mathaews (Will testify at trial)  
28 5855 Valley Drive, Unit 1021, Buidling 7  
North Las Vegas, Nevada 89031  
(702) 273-0486

Charlton Mathaews is Plaintiff Curtis Wilkerson's acquaintance and is expected to testify as

1 to his knowledge of the facts and circumstnaces surrounding the crash that occurred on July 20,  
2 2018, how the crash has affected Plaintiff's and any other matters pertinent hereto.

3  
4 7. Ram Adams (Will testify at trial)  
(702) 349-2846

5 Ram Adams is Plaintiff Curtis Wilkerson's acquaintance and is expected to testify as to his  
6 knowledge of the facts and circumstnaces surrounding the crash that occurred on July 20, 2018,  
7 how the crash has affected Plaintiff's and any other matters pertinent hereto.

8  
9 8. Kathleen McManaman (Will testify at trial)  
10 608 Overland Drive  
Henderson, Nevada 89002  
11 (702) 810-1343

12 Kathleen McManaman is Plaintiff La Toya Williams-Wilkerson's coworker and is expected  
13 to testify as to her knowledge of the facts and circumstnaces surrounding the crash that occurred on  
14 July 20, 2018, how the crash has affected Plaintiff's and any other matters pertinent hereto.

15  
16 9. Alison Cawley (Will testify at trial)  
2055 West Charleston Boulevard, Suite C  
17 Las Vegas, Nevada 89102  
(702) 592-6183

18 Alison Cawley is Plaintiff La Toya Williams-Wilkerson's coworker and is expected to  
19 testify as to her knowledge of the facts and circumstnaces surrounding the crash that occurred on  
20 July 20, 2018, how the crash has affected Plaintiff's and any other matters pertinent hereto.

21  
22 10. Zachary Williams (Will testify at trial)  
23 9000 South Las Vegas Boulevard, Unit 2246  
Las Vegas, Nevada 89123  
24 (313) 613-0456

25 Zachary Williams is Plaintiff La Toya Williams-Wilkerson's brother and is expected to  
26 testify as to his knowledge of the facts and circumstnaces surrounding the crash that occurred on  
27 July 20, 2018, how the crash has affected Plaintiff's and any other matters pertinent hereto.  
28

11. Jacob Fisk, D.C.  
Chris Kim, D.C.  
Michael DiGregorio, D.C.  
Keith Lewis, M.D.  
Person Most Knowledgeable and/or  
Custodian of Records  
Align Med  
6945 Aliante Parkway, Suite 103  
North Las Vegas, Nevada 89084
12. Nick Liu, D.O.  
Thomas O'Brien, Pa-C.  
Person Most Knowledgeable and/or  
Custodian of Records  
Advanced Orthopedics & Sports Medicine  
7195 Advanced Way  
Las Vegas, Nevada 89113
13. Nancy DeViese, PT  
Joshua Castro, PTA  
Tyler Calvert, PT  
Joel Gersh, PTA  
Janet Lamoree, PTA  
Person Most Knowledgeable and/or  
Custodian of Records  
Select Physical Therapy  
4080 North Martin Luther King Boulevard, Suite 101A  
North Las Vegas, Nevada 89032
14. Miguel Sepulveda, M.D.  
Person Most Knowledgeable and/or  
Custodian of Records  
UMC Quick Care  
4231 North Rancho Drive  
Las Vegas, Nevada 89130
15. Jorg Rosler, M.D. (Will testify at trial)  
Andrew Hall, M.D.  
Faisel Zaman, M.D.  
Ray Troche, Pa-C.  
Marcelo Gomez, Pa-C.  
Person Most Knowledgeable and/or  
Custodian of Records  
Interventional Pain and Spine Institute  
851 Rampart Boulevard, Suite 100  
Las Vegas, Nevada 89145

- 1  
2 16. Andrew Hall, M.D.  
3 Person Most Knowledgeable and/or  
4 Custodian of Records  
5 Surgical Arts Center  
6 9499 West Charleston Boulevard, Suite 250  
7 Las Vegas, Nevada 89117
- 8 17. Bhuvana Kittusamy, M.D.  
9 Person Most Knowledgeable and/or  
10 Custodian of Records  
11 Las Vegas Radiology  
12 7500 Smoke Ranch Road, Suite 100  
13 Las Vegas, Nevada 89128
- 14 18. Jason E. Garber, M.D. (Will testify at trial)  
15 Person Most Knowledgeable and/or  
16 Custodian of Records  
17 Las Vegas Neurosurgical Institute  
18 3012 South Durango Drive  
19 Las Vegas, Nevada 89117
- 20 19. Person Most Knowledgeable and/or  
21 Custodian of Records  
22 Walgreens  
23 PO Box 4039, MS #735  
24 Danville, Illinois 61834
- 25 20. Douglas Sides, M.D.  
26 Joel Lin, D.O.  
27 Michael Eisenberg, M.D.  
28 Person Most Knowledgeable and/or  
Custodian of Records  
Pueblo Medical Imaging  
8551 West Lake Mead Boulevard, Suite 150  
Las Vegas, Nevada 89128
21. Nicole Hoffman, M.P.T.  
Maureen Bauto, P.T.A.  
Joseph Scorza, P.T.A.  
Julian Penaranda, M.P.T.  
Person Most Knowledgeable and/or  
Custodian of Records  
First Physical Therapy  
1321 South Rainbow Boulevard, Suite 102  
Las Vegas, Nevada 89146



- 1  
2 22. Sheree McLafferty, B.S., CNIM  
3 Morton I. Hyson, M.D.  
4 Peter Volk, M.D.  
5 Person Most Knowledgeable and/or  
6 Custodian of Records  
7 Monitoring Associates  
8 P.O. Box 29650  
9 Phoenix, Arizona 85038
- 10 23. Morton L. Hyson, M.D.  
11 Sheree McLafferty, B.S., CNIM  
12 Peter Volk, M.D.  
13 Person Most Knowledgeable and/or  
14 Custodian of Records  
15 Neuromonitoring Associates  
16 P.O. Box 29650  
17 Phoenix, Arizona 85038
- 18 24. Peter F. Volk, M.D.  
19 Person Most Knowledgeable and/or  
20 Custodian of Records  
21 Surgical Anesthesia Services  
22 8440 West Lake Mead Boulevard, Suite 202  
23 Las Vegas, Nevada 89128
- 24 25. Jason E. Garber, M.D. (Will testify at trial)  
25 Carlos Emanuel, M.D.  
26 Brian Lee, M.D.  
27 Sheikh Saghir, M.D.  
28 Person Most Knowledgeable and/or  
Custodian of Records  
Valley Hospital Medical Center  
620 Shadow Lane  
Las Vegas, Nevada 89106
- 26 26. Kimberly C. Stephenson, N.P.  
27 Jennifer R. Felix, R.N, B.S.N.  
28 Person Most Knowledgeable and/or  
Custodian of Records  
Department of Veteran Affairs  
VA Southern Nevada Healthcare System  
6900 North Pecos Road  
North Las Vegas, Nevada 89086
- 27 27. David Oliveri, M.D. (Will testify at trial)

851 S. Rampart Boulevard, Suite 115  
Las Vegas, Nevada 89145

**(b) Defendant's witnesses**

1. Defendant Maika Abrigo  
c/o PYATT SILVESTRI  
701 Bridger, Suite 600  
Las Vegas, Nevada 89101
2. Brett O'Toole, M.S.  
14841 N. 4<sup>th</sup> Place,  
Phoenix, Arizona 85032
3. David E. Fish, M.D., M.P.H.  
1350 Davies Drive  
Beverly Hills, California 90210
4. Jeffrey Wang, M.D.,  
1450 San Pablo Street, #5400  
Los Angeles, California 90033
5. Paul Janda, D.O.  
2010 Wellness Way, Ste 306  
Las Vegas, NV 89106
6. Keith Blum, D.O.  
7271 W. Sahara Ave, #100  
Las Vegas NV 89117

Defendant has not as of yet issued or served subpoenas on any witnesses. When and if that determination is made, notice will be given immediately and supplied to the Court and to Plaintiffs. Defendant has listed the witnesses whom they expect to call at trial. When and if the determination is made that additional witnesses may need to be called to testify, notice will be given immediately and supplied to the Court and to Plaintiff.

The parties reserve the right to object or otherwise contest the admissibility of witnesses and/or exhibits.

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///

**XII.**

**TRIAL DATE**

Counsel have met and herewith submit three (3) agreed-upon trial dates:

1. September 20, 2021
2. September 27, 2021
3. October 4, 2021

It is expressly understood by the undersigned that the court will set the trial of this matter on one of the agreed upon dates, if possible; if not, the trial will be set at the convenience of the Court's calendar.

**XIII.**

**TIME FOR TRIAL**

It is estimated that the trial herein will take a total of 7-10 full judicial days.

DATED this 19<sup>th</sup> day of February 2021.

DATED this 19<sup>th</sup> day of February 2021.

The Powell Law Firm

Pyatt Silvestri

/s/Paul D. Powell

/s/James Silvestri

Paul D. Powell, Esq.

James P.C. Silvestri, Esq.

Nevada Bar No. 7488

Nevada Bar No. 3603

Jared D. Powell, Esq.

Steven M. Goldstein, Esq.

Nevada Bar No. 15086

Nevada Bar No. 6318

Ryan T. O'Malley

Attorneys for Defendant

Nevada Bar No. 12461

Thomas W. Stewart

Nevada Bar No. 14280

8918 Spanish Ridge

Las Vegas, Nevada 89148

Attorneys for Plaintiffs

XI.

**ACTION BY THE COURT**

This case is set for jury trial on the stacked calendar on September 27, 2021, at 9:00 a.m. Calendar call will be held on September 21, 2021, at 8:45 a.m. in LV Courtroom 6C.

This pretrial order has been approved by the parties to this action as evidenced by their signatures or the signatures of their attorneys hereon, and the order is hereby entered and will govern the trial of this case. This order may not be amended except by court order and based upon the parties' agreement or to prevent manifest injustice.

IT IS SO ORDERED:

Dated: February 22, 2021

  
\_\_\_\_\_  
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE

***NOTICE: Due to the unusually large number of complex criminal cases set for lengthy trials before this Court, civil trials may possibly be held in a trailing status for months or be assigned to another District Court Judge for trial. Therefore, the Court strongly urges the parties to consider their option to proceed before a Magistrate Judge pursuant to Local Rule IB 2-2, in accordance with 28 USC Section 636 and FRCP 73.***

***The Clerk shall provide the parties with a link to AO 85 Notice of Availability, Consent and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge form on the Courts website.***